



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Spencer Lambert  
Serial Number: 10/045,434  
Filed: November 7, 2001  
Group: 2683  
Examiner: Doan, Kiet M  
For: REMOTE TARGET CONTROL SYSTEM  
Attorney Docket: 1405.ACTI.NP

Mail Stop Amendment Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313,1450	I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail addressed to: Mail Stop Amendment Fee Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313,1450 on 4-11-05 Signed: <i>Randall B. [Signature]</i>
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**RESPONSE**

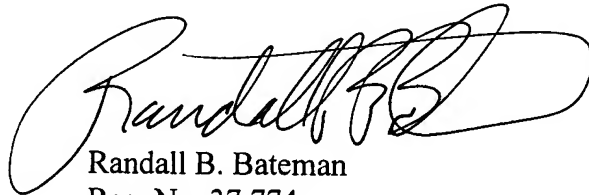
Dear Sir:

In response to the copy of the provisional patent application of Rosa et al. mailed February 9, 2005 and the Final Office Action dated December 10, 2004, Applicant hereby submits the declaration of Spencer Lambert. As demonstrated in the declaration, the inventors conceived the invention and reduced it to practice prior to the filing date of Rosa et al. (Provisional). Therefore, Rosa et al. should be withdrawn as a reference and the claims found allowable.

Applicants maintain their objection to the reliance on the Rosa et al. publication as prior art against the application. It is the Rosa et al. provisional which should have been identified as the prior art, as it was the only filing which preceded Applicants' priority date, and the last office action should not have been made final. However, with the enclosed declaration, neither Rosa et al. application is prior art against the application and all claims should be allowed.

The Commissioner is hereby authorized to charge any amount owing or to credit any overpayment, including a one month small entity extension, to Account No. 502720.

Dated this 11<sup>th</sup> day of April, 2005

A handwritten signature in black ink, appearing to read "Randall B. Bateman", with a large, stylized loop at the end.

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